

Chapter 4

Consultation and Coordination

This chapter includes information on public involvement activities and coordination with State and Federal agencies, Native American Tribes, and private organizations that have occurred to date, including future actions that will occur during the processing of this document.

Public Involvement

Public involvement is a process in which interested and affected individuals, organizations, agencies, and governmental entities are consulted and included in Reclamation's decisionmaking process. Reclamation solicited responses regarding the public's needs, values, and evaluations of the proposed alternatives when the boundary adjustments were considered in 1993. Both formal and informal input have been encouraged and used in the preparation of this environmental assessment. This section on public involvement also serves as the public involvement summary report for this proposed action.

Scoping, as defined in the CEQ regulations of 1978, is "an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action." The scoping process helps to:

- Identify issues, concerns, and possible impacts
- Identify existing information sources
- Develop alternatives

Public scoping meetings were held in November 1993 and January 1994 in the Hermiston-Pendleton area to address proposed boundary adjustments by all the irrigation districts in the Umatilla Project. Approximately 57 comments were received from public scoping. These comments addressed the Umatilla Project boundary adjustment in general, not specifically Westland Irrigation District. The comments received were divided into various categories—water resource issues, general issues and concerns, fisheries issues, land use issues, suggestions for alternative analysis and mitigating measures, and other related comments. In the interim, many of the concerns in 1993 and 1994 have been resolved by other actions of the Umatilla Basin Project. Remaining relevant issues were considered in the resource sections of this environmental assessment (EA).

Reclamation staff met with Westland and the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) staffs in various individual meetings to discuss the proposal.

The draft EA was circulated for a 30-day public review and comment period. All public comments received were reviewed and considered during preparation of this final EA.

Cooperating Agencies

The cooperation between Reclamation, Westland, and the CTUIR should be acknowledged. This collaborative effort to prepare an environmental assessment exemplifies teamwork and the ability of parties with dissimilar viewpoints to get along and work together.

By letter dated March 13, 2003, Reclamation invited the Confederated Tribes of the Umatilla Indian Reservation, Morrow County Board of Commissioners, Umatilla County Board of Commissioners, and Environmental Protection Agency Region 10 to participate as cooperating agencies for the Westland Irrigation District Boundary Adjustment, Umatilla Project, Oregon, Environmental Impact Statement (EIS). The role of cooperating agency was identified as reviewing the administrative drafts of the EIS and providing comments in their areas of expertise and/or authority. A copy of the draft 16-month schedule for completing the EIS was included. A response to the invitation was requested by April 14, 2003.

The Umatilla County Board of Commissioners advised Reclamation that it would participate as a cooperating agency, by letter dated March 27, 2003. The CTUIR advised Reclamation, by letter dated March 21, 2003, it would participate as a cooperating agency. Environmental Protection Agency (EPA) Region 10 informally advised Reclamation it would not participate as a cooperating agency. No response was received from the Morrow County Board of Commissioners. During the summer 2003, Reclamation decided to prepare an environmental assessment and continued the relationship with the cooperating agencies.

A copy of the administrative draft EA was provided to the CTUIR and Umatilla County Board of Commissioners for review and comment by letter dated August 29, 2003. Comments were requested to be provided to Reclamation by September 19, 2003.

Following the administrative draft review, Reclamation received comments from Westland, Bureau of Indian Affairs contractor Natural Resource Consulting Engineers, CTUIR, and Umatilla County Board of Commissioners. As a result of these comments, in cooperation with the Oregon State Water Resources Department, changes were made to the acres of lands in the various water source

categories. The model was then run and changes were made to the appropriate parts of the document.

The Bureau of Indian Affairs contributed in the analysis of the RiverWare model.

Agency Consultation and Coordination

Endangered Species Act, Section 7

Informal consultations under Section 7 of Endangered Species Act (ESA) have been completed with U.S. Fish and Wildlife Service (FWS) and National Oceanic and Atmospheric Administration (NOAA) Fisheries for the proposed action, and each agency has concurred with Reclamation's determination.

On March 12, 2003, Reclamation sent the FWS and NOAA Fisheries a letter requesting information on ESA listed species within the project area.

On April 4, 2003, FWS sent a list (see table 25 in chapter 3) of ESA listed species that may be present in the project area.

On April 8, 2003, NOAA Fisheries responded and provided a list of those ESA-listed species in the State under their jurisdiction, identified one federally listed species (Middle Columbia River steelhead) that may be present in the project area, and identified essential fish habitat in the project area per the Magnuson-Stevens Fishery Conservation and Management Act (see chapter 3).

In a letter dated March 25, 2004, the FWS concurred with Reclamation's finding that the Full Boundary Adjustment alternative was not likely to adversely affect listed species under its jurisdiction. NOAA Fisheries concurred in a letter dated June 4, 2004.

National Historic Preservation Act Consultation and Native American Graves Protection and Repatriation Act

The National Historic Preservation Act of 1966 (NHPA) (as amended in 1992) requires that Federal agencies consider the effects that their projects have upon historic properties. Section 106 of this act and its implementing regulations (36 CR Part 800) provide procedures that Federal agencies must follow to comply with NHPA on specific undertakings. Other Federal legislation further promotes and requires the protection of historic and archeological resources by the Federal Government. Among these laws are the Archeological Resources Protection Act of 1979 and the Native American Graves Protection and Repatriation Act of 1990.

To comply with Section 106 of NHPA, Federal agencies must consult with the State Historic Preservation Officer (SHPO), Native American tribes with a traditional or religious interest in the study area, and the interested public.

Federal agencies must show that a good faith effort has been made to identify historic properties in the area of potential effect for a project. The significance of historic properties must be evaluated, the effect of the project on the historic properties must be determined, and the Federal agency must mitigate adverse effects the project may cause on major resources.

Reclamation staff met with SHPO and the CTUIR on separate occasions in July 2003. Known historic properties and probable impacts are described under “Historic Properties” in chapter 3. The proposed boundary adjustments, under all alternatives, would not increase the amount of water currently diverted by Westland. Therefore, Reclamation believes that no alternative, including the No Action Alternative, would affect known cultural properties. The Oregon State Historic Preservation Office has concurred with Reclamation’s assessment in a June 18, 2003, letter. The CTUIR’s cultural resource representative tentatively concurred with this assessment.

Executive Orders and Other Guidelines

Executive Order (EO) 11990 requires minimization of the destruction, loss, or degradation of wetlands and preservation and enhancement of the natural and beneficial values of wetlands. Wetlands are recognized as an important wildlife habitat resource. EO 11990 also requires public disclosure of project effects on wetlands. This EA provides that disclosure and solicits public responses concerning wetland impacts.

Executive Order 13007, Indian Sacred Sites, is discussed in chapter 3 under “Indian Sacred Sites.” Reclamation has no knowledge of any sacred sites on the private properties involved in this proposed action.

Executive Order 12898 established environmental justice as a Federal agency priority to ensure that minority and low-income groups are not disproportionately adversely affected by Federal actions. Minority and low-income groups would not be disproportionately affected by the proposed action.

Indian trust assets (ITA) policy was authorized under 64 Stat. 1262, issued in Secretarial Order 3175, and incorporated into the Departmental Manual at 512 DM 2. It has been determined that ITA would not be affected in the study area.